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June 19, 2009

The Hon. Magistrate Judge Edward M. Chen
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Gregory Bender v. Linear Technology Corporation, Case No. C 09-01154 EMC

Judge Chen:

I am writing this letter pursuant to and in accordance with my discussions with your calendar clerk to address and respectfully request the re-setting of the schedule for the initial case management conference and ADR deadlines and related events in the captioned case. It is my understanding that such request is a common and normal type of request. We currently are working on a settlement proposal to Linear Technology Corporation. Rule 4 of the Federal Rules of Civil Procedure provides for 120 days from date of issuance to serve a summons and complaint and, unless the litigation is settled, we will comply with such requirement by serving the summons and amended complaint on or before July 10, 2009. On that basis, and assuming that, in such event, Linear Technology Corporation answers by July 30, 2009, we would respectfully ask that the initial case management conference be re-set for a date in mid-October so that, again if the matter does not settle, we would be able to comply with our Rule 26 requirements as to meet and confer and as to our Rule 26 report and initial case management statement. If any additional information is required, please ask your clerk to let me know.

Thank you for your consideration.

Very truly yours,

/S/

David N. Kuhn

IT IS SO ORDERED that the case management conference is reset from 6/24/09 to 8/26/09 at 1:30 p.m. A joint CMC statement shall be filed by 8/19/09. Plaintiff is directed to serve a copy of this order upon defendant.

Edward M. Chen
U.S. Magistrate Judge

